

(e) computer readable program code means for accessing[, via said computing device,] information for one or more therapeutic treatment regimens from a standard drug reference source.

REMARKS

This Amendment is responsive to the Office Action (the "Action") mailed October 6, 1999.

Applicants acknowledge with appreciation the time and courtesy extended by Examiners John Hayes and Todd Voeltz at the interview of December 17, 1999. During the interview, Dr. Barry explained the difficulty that doctors have in understanding and processing all the possible combination chemotherapy treatments that might be administered to a patient afflicted with HIV-1 (or other disease involving combination chemotherapy). Dr. McCready presented a demonstration of an embodiment of the invention, illustrating among other things how the invention generates a ranked listing of available treatments for a patient. Further summary of the interview is provided in the remarks below.

As an initial matter, please note that a supplemental information disclosure statement was submitted in this case on November 4, 1999 to make of record the search report issued in the corresponding PCT application. No new issues were raised therein, and this was submitted simply to complete the record.

1. The Drawing Objection.

Pursuant to the suggestion of the Examiner in the first Official Action, Applicant wishes to amend **Fig. 12B** to include reference sign **A2**. A proposed drawing correction with corrected **Fig. 12B** is submitted herewith and properly includes reference sign **A2**. Entry thereof and withdrawal of the drawing objection is respectfully requested. This addition presents no new matter and is indicated in red ink on the enclosed and proposed drawing amendment.

2. The 35 U.S.C. §112 Rejections.

61

Claims 4, 21, 27, 44, 47, 50, and 66 stand rejected under 35 U.S.C. §112 as being indefinite for reasons set forth in the first official action. Accordingly, claims 4, 27, and 50 have been amended as indicated above to remove the limitation "and information for drug treatments for other conditions" (it being understood that the entry of such information remains encompassed by the now more generic claims). Claims 21, 44, and 66 have been amended as indicated to refer to the "first" knowledge base. Claims 47, 48, 49, 52, 54, and 68 have been amended as indicated above to remove references to a "computing device." In view of the foregoing amendments, applicants respectfully submit that these rejections may be withdrawn.

If any issues remain concerning section 112 issues after the foregoing amendments, the Examiner is requested to contact applicants undersigned representative by phone so that they may be expeditiously resolved.

### 3. The 35 U.S.C. §103 Rejections.

Claims 1-3, 5-10, 13-26, 28-33, 36-49, 51-55, and 58-69 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,517,405 to McAndrew et al. ("McAndrew" in view of an article entitled "A Computer-Assisted Management Program for Antibiotics and Other Antiinfective Agents" by Evans et al. ("Evans"), and further in view of an article entitled "Application of an Expert System in the Management of HIV-Infected Patients" by Pazanni et al. ("Pazanni").

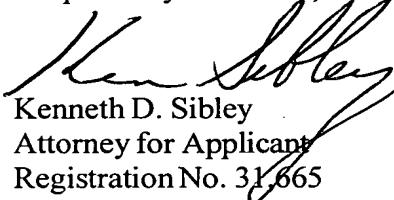
As discussed at the interview with respect to the cited art, **Pazanni** is concerned with *in vitro* viral sensitivity, and that administering drugs to an actual patient based upon *in vitro* viral sensitivity may indeed control the virus, but may well be detrimental to the patient. With respect to **Evans**, it was noted that this was for in-hospital patients afflicted with an acute disease (bacterial infection) being treated with a single drug, without providing a ranking of available treatments. With respect to **McAndrews**, it was noted that a plurality of different therapeutic treatments for a particular disease was not provided and that the product did not generate a list of available treatments (to the contrary, McAndrew gives a proposal of whether or not to approve a previously proposed treatment). It was further noted that McAndrew did not give advisory information in conjunction with treatments (*e.g.*, the "information" and "synopsis")

modes of McAndrew are separate from the "guided" and "structured" modes). The Examiners noted that the ranking of the listing appeared important to carrying out the instant invention, and agreement was reached (based upon the art of record), that claims 1, 24, and 47 would be allowable if amended to incorporate the features of claims 6, 29, and 69. This has been done above. The Examiners further requested that applicants review the dependent claims and amend "listing" to "ranked listing" therein for the purpose of consistency, and this has also been done above. Accordingly, it is respectfully submitted that independent claims 1, 24, and 47 are now allowable over the prior art of record, and that those claims dependent thereon (all remaining claims) are also allowable. Hence, it is respectfully submitted that the prior art rejections of record may now be withdrawn.

**4. Conclusion.**

In view of the above amendments and arguments, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

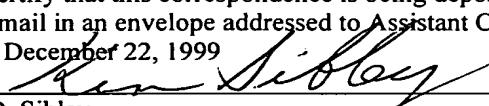
Respectfully submitted,

  
Kenneth D. Sibley  
Attorney for Applicant  
Registration No. 31,665

MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
P.O. Box 37428  
Raleigh, NC 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231, on December 22, 1999

  
Kenneth D. Sibley  
Date of Signature: December 22, 1999

ENCLOSURE: Proposed drawing correction